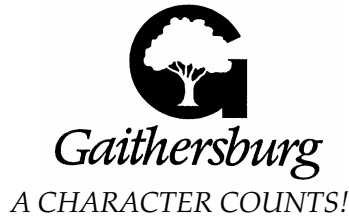


DRAFT



CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
JUNE 5, 2006

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Marraffa and Sesma. Council Members Absent: Edens and Schlichting. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Finance and Administration Director Belton, Planning and Code Administration Director Ossont, Director of Public Works, Parks Maintenance and Engineering (PWPME) Arnoult, Police Chief Viverette, Officers Delgado, Hurtt, Jordan, and Caron, Community Outreach Specialist Ingram, Police Services Aide Miller, Leisure Services Program Director McGuire, Human Services Director Carr, Human Services Program Manager Herndon, City Attorney Borten and Administrative Assistant Stokes.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Haley Bohrer, granddaughter of former Council Member Sharon Bohrer-Mears.

II. INVOCATION

The invocation was led by Rabbi Jacob Blumenthal, Shaare Torah Congregation.

III. APPROVAL OF MINUTES

Motion was made by Council Member Marraffa, seconded by Council Member Alster, that the minutes of the Mayor and Council meeting held May 15, 2006, be approved.

Vote: 3-0

IV. CONSENT ITEMS

1. Resolution of the Mayor and City Council Authorizing the City Manager to Award a Contract to Purchase Recreation Program Apparel for Youth, Teen and Adult Sports Programs, Summer Camps and Aquatics

This resolution authorized the purchase for the above to Cum Shaw, Inc. 14672 Rothgeb Drive, Rockville, Maryland 20850, in the amount of Forty-Eight Thousand Three Hundred Ninety Dollars (\$48,390); said funds to be expended from the Operating Budget.

2. Resolution of the Mayor and City Council of Gaithersburg Authorizing the City Manager to Negotiate a Contract for Executive Search Services for the Position of Planning Director

This resolution authorized the City Manager to negotiate and enter into a contract for the above services with The Mercer Group, 5579B Chamblee Dunwoody Road, #511, Atlanta, Georgia 30338, in the amount of Twenty-Two Thousand Five Hundred Dollars (\$22,500); said funds to be expended from the Operating Budget.

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the Consent Agenda (Resolution Nos. R-54-06 and R-55-06), be approved.

Vote: 3-0

V. **APPOINTMENTS**

Resolution of the City Council Confirming an Appointment and a Reappointment by the Mayor

This resolution confirmed the following: **Ethics Commission**, L. Lee Manuel (reappointment), 230 Rolling Road, Gaithersburg, Maryland 20877, three-year term; and the **Police Chief's Advisory Council**, G. Max Fratoddi (appointment), 1227 Main Street, Gaithersburg, Maryland 20878, two-year term.

Motion was made by Council Member Marraffa, seconded by Council Member Sesma, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING AN APPOINTMENT AND A REAPPOINTMENT BY THE MAYOR TO THE ETHICS COMMISSION AND THE POLICE CHIEF'S ADVISORY COUNCIL (Resolution No. R-56-06), be approved.

Vote: 3-0

VI. **PRESENTATIONS**

1. **10th Anniversary as a CHARACTER COUNTS! City Presentation**

Gaithersburg celebrates ten years as a CHARACTER COUNTS! City. The CHARACTER COUNTS! Program is a national ethics education program that people of all cultures, races and religious affiliations can embrace. Gaithersburg became a CHARACTER COUNTS! in 1996 and introduced the program with a commitment to expose it to every child in Gaithersburg. Ten years later, nearly 120,000 children have received character education in our schools. CHARACTER COUNTS! did not start and end with parents and their children, but businesses and other community organizations have since joined the City's effort and embraced the program. Several dignitaries joined Mayor Katz in commemorating the occasion and presented proclamations:

Sarah Holstine, Representative for Congressman Chris Van Hollen,
District 17 Senator Jennie Forehand and Delegate Kumar Barve
Gabe Romero, Member of the Montgomery County Board of Education
Maureen Herndon, Human Services Program Manager and Person of Character Recipient,
presented on behalf of County Executive Douglas Duncan

2. **Certificates of Recognition Presented to the 2006 W. Edward Bohrer Memorial CHARACTER COUNTS! Scholarship Winners and Corporate Partners**

For the City's Ninth Annual Bohrer Memorial CHARACTER COUNTS! Scholarship Awards, Mayor Katz was joined by Sharon Bohrer-Mears, Patrick Bohrer, Haley Bohrer, Juanita Bohrer, and Vicki Conner, to present certificates and checks to the scholarship winners and recognize the corporate partners. The scholarship's intention is to recognize Gaithersburg area high school students of outstanding character who have a firm commitment to their education.

The following corporate partners together contributed a total of \$9,000: Rodgers Consulting, Inc. (Gary Unterberg), DRS Signal Solutions, and the W. Edward Bohrer, Jr. Memorial CHARACTER COUNTS! Scholarship Fund (individuals mentioned above).

The scholarship winners from Gaithersburg High School were: Rahana Afzal Stephanie Gonzales, Juan Jose Torreblanca and Stephanie Vega.

3. CHARACTER COUNTS! Person of Character Awards

Person of Character Award recipients have either lived or worked within the incorporated City limits and their actions have benefited the community, guided by the Six Pillars of Character, responsibility, respect, caring, fairness, trustworthiness and citizenship. Mayor Katz recognized the following Person of Character Award recipients:

Mr. Nader Saleh, owner of the Chicken Basket in Olde Towne Gaithersburg. He has over the last 10 years, generously sponsored the "Annual Dinner of Thanks," ensuring that those in need enjoy a nice holiday meal during Thanksgiving. It is estimated that over 450 individuals enjoy this annual tradition.

Reverend Louis Piel, Pastor of Grace United Methodist Church for the last 15 years and will be retiring effective June 2006. Reverend Piel's devotion to the City is highly respected, graciously opening the church doors to individuals and community groups. He has been instrumental in orchestrating the development of the Gaithersburg Interfaith Alliance, a network of churches addressing community challenges such as feeding the hungry and sheltering the homeless.

Mr. LeRoy Hyson (not present), has had an impact with Gaithersburg children as both a 5th grade teacher at Flower Hill Elementary School and a basketball coach with Gaithersburg's Department of Parks, Recreation and Culture. Coach Hyson is known for his skilled coaching that builds character through motivation, encouragement, and good sportsmanship.

4. Recognition of Gaithersburg Police Department Employees

The following members of the Gaithersburg Police Department were selected as the Employees of the Quarter for the first quarter of 2006:

Officer Raul Delgado and Officer Brian Hurtt were recognized for their handling of a burglary in which a number of high powered weapons were stolen along with several hundred rounds of ammunition.

Officer Raul Delgado was also recognized for his assistance with two armed robberies that occurred in the City.

Officer John Jordan was recognized for pursuing and blocking a stolen vehicle which the driver bailed out leaving the vehicle in gear and it began moving. The suspect was later apprehended. Officer Jordan was also recognized for apprehending a known wanted controlled dangerous substance dealer.

Officer Isabel Salgado was recognized for the investigation of a domestic dispute which involved a stabbing. She investigated the incident and within two days, the suspect was arrested. Officer Salgado was also recognized for investigating and interviewing juveniles and determining that the individuals were responsible for a suspected explosive device left at a school and a bomb scare in the Kentlands.

5. Introduction of New Employees

- Wade Caron, Police Officer, hired on March 27, 2006, has had five years of prior law enforcement experience from the Athens-Clark County Police Department in Athens, Georgia.
- Elena Ingram, Community Outreach Specialist, hired on April 25, 2006, has had over 22 years of community relations having been employed by MAMSI, the Creative Learning Center, and GEICO.
- Lauren Miller, Police Services Aide, began full-time employment with the City on April 10, 2006 as Police Services Aide with the Administrative Bureau.

6. Update on the Day Laborer Center

City Manager Humpton made the following statement:

"Our search for a potential day laborer center site is ongoing and, frankly, I have less to report than I would like. We have investigated over 20 possible sites; making contact with numerous landlords, commercial property owners, even a state agency. We have evaluated city-owned properties as well and have not identified a single site that is both acceptable *and* available.

Some sites were eliminated after visiting the actual location as we did not feel they were appropriate for this use due to problems with vehicle access, other issues of a logistical nature, or most importantly, the site was not in keeping with the Mayor and Council's direction that the sites meet the spirit of the Task Force location criteria. Other sites did not have any vacancy for the foreseeable future.

The sites which staff considered the best locations to recommend to the Mayor and Council have all been rejected by the property owners or their representatives. They simply do not want a day laborer center on their property.

Staff is continuing the search. We have widened the area to include sites outside the City limits. Unfortunately, these do not bode well given their distance from many of the workers current homes, as we understand it. As you are aware, no site would be recommended to be put under a formal lease prior to a public discussion before the Mayor and Council.

We regularly meet and communicate with staff of Montgomery County to share ideas and receive updates. We have also begun informal discussions with several non-profit organizations that currently provide services in Gaithersburg to determine if they are qualified and available to provide management services at the proposed center. These talks are ongoing and we are hopeful that one or more of these groups would be willing to take on this task. Of course, Montgomery County will have the final say in the selection of a contractor.

We are still working to relocate the workers at the church by the end of July and time is running very short. Given the time constraints, I believe that if we can not identify an adequate available site then I will seek guidance from the City Council on other alternatives that we are currently formulating.

Lastly, I am still open to any reasonable suggestions for a location. We did receive several suggestions from a citizen last week and we appreciate that input. We are investigating those suggestions."

Mayor Katz asked staff to investigate the possibility of a temporary site for a day laborer center.

7. Friends of Wells/Robertson House

Mindi Jacobson, Executive Director, Friends of Wells/Robertson House announced the launching of a scholarship program for the residents at the above house. The official kick-off will be held at their annual meeting on Tuesday, June 13, 2006. The scholarship program is a joint partnership with the Viragh Family Foundation. The plan is to offer as many residents, the opportunity to attend Montgomery College through their Workforce Development and Continuing Education Program, with an anticipated scholarship of about \$1,500. Ms. Jacobson stated that a scholarship steering committee has been formed to select the scholarship recipients, monitor their progress, and administer the mechanics of the payment.

VII. PUBLIC APPEARANCES

1. *Demos Chrissos, 343 Tschiffely Square Road*, referred to a June 3, 2006, Washington Times article, and expressed concern with CASA de Maryland's role in managing a day laborer center in Gaithersburg and the politics surrounding the operation. He stressed the importance of assisting legal residents only. Mr. Chrissos questioned if the City would support a day laborer center in Gaithersburg if Montgomery County decided to enter into a contract with CASA.
2. *Bryce Hoover, 412 Sanders Lane, Gaithersburg High School Student*, requested the installation of a sandpit volleyball net at Kelley Park on Victory Farm Drive. Stated a petition from high school and college students was submitted to Parks, Recreation and Culture Director McGleish. Mayor Katz asked staff to investigate.
3. *Michael Stumborg, 15 Walker Avenue*, expressed opposition to CASA de Maryland managing the proposed day laborer center and asked that all decision be done in public. He questioned the City's position with Montgomery County regarding the operation and management of the center. City Manager Humpton responded that the City has asked Montgomery County to look at other qualified operators for the center and that all decisions will be made in public.

VIII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS**Council Member Sesma**

1. Announced the City summer concerts and performances series "On Stage" which began on June 3, 2006. The concerts and performances will be held at the City Hall Concert Pavilion, Arts Barn in Kentlands, and various parks throughout the City. A complete listing is on the City's website at www.gaithersburgmd.gov/onstage.
2. Congratulated the CHARACTER COUNTS! Scholarship winners and thanked the sponsors.
3. Congratulated St. Rosa Lima Church community on the formal dedication of their new worship space.
4. Reported that he along with Assistant City Manager Felton and Community Development Director Kauffmann attended a forum on affordable housing hosted by Takoma Park and the Council of Governments. He stated that he will submit ideas to staff on a proposed City public housing forum to be held in the fall.
5. Stated that during his travels to Colorado, he visited the City of Louisville which was named the best place to raise a family. He presented the City of Gaithersburg key to their City Manager.

Council Member Alster

1. Announced vacancies on the City's Boards, Commissions and Committees.
2. Echoed congratulations to the CHARACTER COUNTS! Scholarship winners and Person of Character Award recipients.
3. Recognized the significance and partnership of the Friends of Wells/Robertson House, Viragh Family and Montgomery College offering the residents of the Wells/Robertson House the opportunity to participate in a new scholarship program and receive an education to better their lives.

Council Member Marraffa

1. Reported a closed executive session was held by the Mayor and City Council on Tuesday, May 30, 2006 to discuss a property acquisition matter. The topic discussed was whether the City should participate with other governmental entities in exercising the right of first refusal to acquire a rental apartment community that is under contract to be sold pursuant to Chapter 53A of the County Code. The closed session began at approximately 9:45 p.m. and adjourned at approximately 10:30 p.m.
2. Announced he attended the City's Memorial Day Ceremony and he thanked the veterans and all those that serve in the military.
3. Stated he and Council Member Alster attended the grand opening of the tree planting (reforestation) of the InterCounty Connector.
4. Thanked the Bohrer Family and recognized the students and persons who received scholarships and awards at the meeting.

Mayor Katz

1. Echoed congratulation to all of the scholarship winners and thanked the Bohrer Family.
2. Stated the City will conduct an interview for the alternate position on the Board of Appeals, Monday, June 19, 2006, 7 p.m.
3. Announced the Mayor and City Council will conduct a work session on Monday, June 12, 2006, 7:30 p.m., to discuss the Police Beat Plan and other police issues.

IX. FROM THE CITY MANAGER

Announced the promotion of Police Lieutenant Chris Bonvillain to Captain in the City's Police Department.

X. ORDINANCES AND RESOLUTIONS**1. Resolution for a Street Reconstruction Project for Perry Parkway**

This resolution authorizes the City Manager to award a contract for the above to Romano Construction, Inc., 8970 Maier Place, Laurel, Maryland 20723, in the estimated amount of Seven Hundred Forty-Two Thousand Dollars (\$742,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Alster, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR A STREET RECONSTRUCTION PROJECT FOR PERRY PARKWAY (Resolution No. R-57-06), be approved.

Vote: 3-0

2. An Ordinance to Adopt the City Budget for the Fiscal Year July 1, 2006, Through June 30, 2007 and Levying an Ad Valorem Tax on all Assessable Property Within the City of Gaithersburg, Maryland

A public hearing was held on May 15, 2006 and a budget work was held on Monday, May 22, 2006. During the public hearing, the Mayor and City Council voted to close the record on May 26,

2006. This ordinance establishes the City budget, which provides a complete financial plan, including anticipated revenues and proposed expenditures for the Fiscal Year 2006-2007. The ordinance also institutes an ad valorem tax on all assessable property within the City of Gaithersburg, Maryland. The ad valorem tax has been set at a rate of \$.212 on each \$100 of assessed value of real property and \$.53 on each \$100 of assessed value of personal property.

The budget for the City of Gaithersburg for the Fiscal Year July 1, 2006, through June 30, 2007, is adopted as follows:

ANTICIPATED REVENUE

Local Taxes	\$16,851,230	
Licenses & Permits	3,041,765	
Intergovernmental Revenue	15,073,225	
Service Charges	3,982,300	
Fines & Forfeitures	320,500	
Miscellaneous Revenues	<u>3,179,597</u>	
ANTICIPATED REVENUE	\$42,448,617	
Reappropriation		<u>3,315,743</u>
TOTAL ANTICIPATED REVENUE		<u>\$45,764,360</u>

PROPOSED EXPENDITURES

General Government	\$7,979,471	
Public Safety	8,399,049	
Public Works	6,842,369	
Parks, Recreation and Culture	7,996,716	
Community Services and Development	2,059,349	
Miscellaneous	<u>1,972,351</u>	
OPERATING TOTAL	\$35,249,305	
<u>CAPITAL IMPROVEMENTS</u>		<u>\$ 10,515,055</u>
TOTAL PROPOSED EXPENDITURES		<u>\$45,764,360</u>

Mayor Katz commended staff for a job well done on the budget.

Motion was made by Council Member Marraffa, seconded by, Council Member Sesma, that AN ORDINANCE TO ADOPT THE CITY BUDGET FOR THE FISCAL YEAR JULY 1, 2006 THROUGH JUNE 30, 2007, AND LEVYING AN AD VALOREM TAX ON ALL ASSESSABLE PROPERTY WITHIN THE CITY OF GAITHERSBURG, MARYLAND (Ordinance No. O-4-06), be adopted.

Vote: 3-0

3. **Establishing a Constant Yield Tax Rate for the City of Gaithersburg for Tax Year Beginning July 1, 2006**

Finance and Administration Director Belton stated that the Mayor and City Council closed their record for the Constant Yield Tax Rate on May 26, 2006. Staff requests the Mayor and City Council vote to set the Constant Yield Tax Rate and set the rate at \$.212 to become effective July 1, 2006.

Motion was made by Council Member Sesma, seconded by, Council Member Alster, that the Constant Yield Tax Rate for the City of Gaithersburg for the Fiscal Year July 1, 2006 Through June 30, 2007, be adopted.

Vote: 3-0

XI. **FROM STAFF**

Assistant City Manager Felton

1. Staff recommends that the Mayor and City Council consider voting to close as of Wednesday, June 14, 2006, their record on Z-301 and SDP-05-003, Casey East Plan, change from I-3 to MXD Zone on approximately 40.10 acres of land.

Motion was made by Council Member Alster, seconded by, Council Member Sesma, that Mayor and City Council record on Z-301 and SDP-05-003, be closed as of June 14, 2006, 5 p.m.

Vote: 3-0

2. Assistant City Manager Felton briefed the Mayor and City Council on the proposed Crown Farm Annexation. He stated that the City is still in negotiations on a number of issues and continuing to work with Montgomery County Public Schools staff to ensure that the school site proposed meets all the program needs of the school system. In addition, City staff also met several times with Maryland Transit Administration Staff on issues associated with the route of the transitway. He stated that a public presentation will be made at a future meeting to give the public an opportunity to comment. He further stated that the record still remains open.

XII. **ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:50 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Administrative Assistant